

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D C 20554

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In the matter of )  
Amendment of Section 73 202 (b) ) MB Docket No 03-163  
Table of Allotments )  
FM Broadcast Stations ) RM-10734  
(Fortuna Foothills, AZ )  
(Wellton, AZ) )

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**REQUEST FOR RECONSIDERATION**

To the Chief, Allocations Branch

Dana J Puopolo ("Petitioner") respectfully submits his comments request for reconsideration in the above captioned proceeding.

1. The commission had proposed to allot FM channel 240A to Fortuna Foothills as its first local aural service. Petitioner supported the Commission's proposal and stated he, or a company with which he is affiliated planed to file an application for a construction permit to activate channel 240A if it was assigned as proposed

2. The Commisison dismissed this petition because they claim that Fortuna Foothills is not a community by their standards. Fortuna Foothills has been judged a community with over 20,000 persons by the United States Census Bureau. The Commission claims that there is no "nexus" of a community. Petitioner respectfully disagrees for the reasons stated below

3 The Commission's definition of "community" has become so skewed that for practical purposes it has become impossible to define. On one hand the Commission routinely considers two roads crossing with a Post Office at their intersection a community, and a highway of cars a community (see *Mountain Pass and Yermo, California*), even though very few (or no) people actually live there. Yet, in this case where there are over twenty thousand people permanently grouped together, outside any other community the Commission says no nexis exists? Though Fortuna Foothills might not be incorporated, it still is a lot of people grouped together in one place. These people share common problems and experiences by the very nature of the sheer size of their community. Though they might choose to shop in Yuma they still live in Fortuna Foothills. These people deserve their own FM radio station.

4 Petitioner has other examples of groupings of people who, while clearly qualify as communities by every reasonable standard, do not under the Commission's rules. Black Rock City, Nevada is a community of over 30,000 people who live together for one week per year far from population centers on the Nevada desert. They maintain their own government, stores, hospital, utilities, etc. The Bureau of Land Management ("BLM") considers them a community. Yet, in the Commission's eyes, because the other 51 weeks a year they do not exist, they must not exist at all. Burning Man Radio is their only local media (and acknowledged by law enforcement and the BLM as a most necessary service), yet it must operate on the FM broadcast band as a pirate! Why? Because the archaic rules the Commission maintains do not consider them worthy to broadcast to their 30,000 plus residents. Because the Commission does not consider a group of 30,000 persons to be a community, yet they do say that 30,000 cars traveling down a highway is

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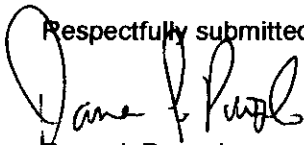
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Hyannis, Massachusetts is an unincorporated village located within the town of Barnstable. The Commission has long considered it to be its own community, and licensed FM stations there. These policies simply fly in the face of logic.

5. Petitioner respectfully requests the Commission reconsider their decision and allot FM channel 240A to Fortuna Foothills as originally proposed. Petitioner also requests the Commission consider opening a Rulemaking proceeding to re-define a community. If the Commission does so, petitioner will submit additional evidence to help the Commission determine the definition of a community in this new millennium.

6 Petitioner hereby verifies and affirms that the statements given in this petition for rulemaking are his, and are accurate to the best of his knowledge

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dana J. Puopolo". The signature is written in a cursive, flowing style with a large initial "D".

Dana J. Puopolo  
2134 Oak St , Unit C  
Santa Monica, CA 90405  
October 6, 2003